

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

CITIBANK,N.A. , SUCCESSOR TO
CITIBANK (SOUTH DAKOTA),N.A.

CASE NO. 1:14 CV02165

Petitioner

SANDRA RINI

MOTION FOR SANCTIONS

Respondent

NOW COMES the Respondent, Sandra L. Rini , ("Rini") Pro se, and pursuant to Federal Rules of Civil Procedure Rule 11, moves this Honorable Court to sanction the law firm of Javitch, Block, LLC, and attorneys James Y. Oh, and Mark Brncik, Attorneys for Petitioner Citibank, pursuant to Fed. R. Civ. P 11 (b).

In support of her Motion, Rini states and alleges as follows:

1. That Rini did in fact initiate arbitration with JAMS on or about February 8, 2012 in accordance with the Citibank contract . (the "Contract") (Contract attached hereto as Exhibit A).
2. A true and correct copy of said initiation letter is attached hereto as Exhibit B.
3. Citibank's attorneys incorrectly name said case as JAMS Ref.#1390000153 in their pleading in this matter. JAMS Ref.# 1410005854 is the correct reference number for the initial filing in JAMS for arbitration.

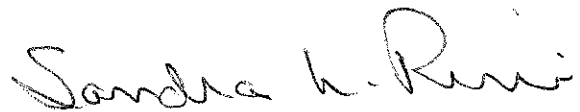
4. JAMS Ref.# 1390000153 is the reference number for the appeal request filed by Rini on or about October 23, 2013.
5. The fact that Citibank's attorneys confuse the case reference numbers shows lack of due diligence in filing this petition, and lack of a standard of care that should be applied when making any pleadings to the Court.
6. On or about October 2, 2013, the appointed arbitrator, Dennis J. Burke, issued a written award, a copy of which was sent to both parties on or about October 22, 2013. (Exhibit C)
7. Rini, in accordance with the Contract, filed an appeal of the award with JAMS on or about October 23, 2013. (Exhibit D)
8. Citibank's attorneys received notice of Rini's arbitration appeal and has submitted such proof in their own pleading. (Doc # 1 Ex. F)
9. On or about Oct. 23, 2013, an e-mail was sent to all parties, including Citibank's attorneys, by JAMS Case Manager Brooke Buczkowski, acknowledging receipt of Rini's request for an appeal. (Exhibit E)
10. Rini was repeatedly apprised of the status of the appeal as she made payments to fulfill her financial responsibility of the appeal.
11. In each communication, sent to both parties by both e-mail, and postal service, JAMS stated that as soon as the balance of Rini's management fee was received JAMS would proceed with the appeal. (Exhibit F)
12. Citibank did not object to the payment schedule or delay in commencement of the appeal at any time to either the JAMS Case Manager or Rini.

13. Final payment was made by Rini to JAMS on or about August 19, 2014.(Exhibit G)
14. Rini acknowledges that neither she, nor to her knowledge, Citibank received a final communication from the JAMS Case Manager acknowledging the final payment.
15. On or about Oct. 2, 2014, Rini sent an e-mail to Case Manager Debra Lewis to ascertain the status of the appeal, and was sent an e-mail on or about Oct.7,2014 confirming the appeal was proceeding, and that a letter would be sent soon asking both parties to choose the arbitrators for the tripartite panel. (Exhibit H)
16. Rini alleges that Citibank's attorneys did not make a *reasonable* inquiry as to the status of the appeal, and intentionally filed this action without attempting any contact with the JAMS office to ascertain the status of the appeal. Rini further alleges that this was an intentional lack of action on Citibank's attorneys part.
17. Lacking any notification from JAMS that the appeal was closed, or would not be commencing, Citibank's attorneys had no cause to file for a confirmation of an award they knew, or should have known, was being appealed, and as such not a final award pursuant to their own contract.
18. Citibank's attorneys filed for the award confirmation before this court with full knowledge that an appeal was in progress, and as such violated Fed.Civ.R.11(b).
19. Rini alleges that the Citibank attorneys knowingly made false representations to the Court in filing this action.

WHEREFORE, Rini, prays as follows:

- A. That this Honorable Court impose an appropriate monetary sanction against Javitch,Block,LLC, and attorney James Y. OH, and Mark Brncik, that will suffice to deter repetition of the conduct or comparable conduct by others similarly situated; and.
- B. awards Rini, any and all further relief this Honorable Court deems just and equitable under the circumstances.

Respectfully submitted,

A handwritten signature in black ink that reads "Sandra L. Rini". The signature is written in a cursive, flowing style.

Sandra L. Rini
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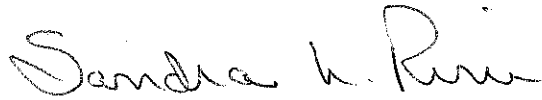
CERTIFICATE OF SERVICE

I, Sandra L. Rini, hereby certify that on October 9, 2014, a copy of the foregoing was served via U.S. Certified mail to the following :

Bruce A. Block, Atty.
Javitch Block LLC
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Mark Brncik
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100 Superior Ave. 19th Floor
Cleveland, OH 44144



Sandra L. Rini, Pro se

November 4, 2014

DATE